

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOSE ATILANO, individually and on behalf)	
of themselves and similarly situated)	
Employees)	
)	Case No. 1:17-cv-00758
Plaintiffs,)	
)	Judge John J. Tharp Jr.
v.)	
)	
A SAFE HAVEN LLC and A SAFE HAVEN)	
FOUNDATION,)	
)	
Defendants.)	

**DEFENDANTS A SAFE HAVEN LLC AND A SAFE HAVEN FOUNDATION’S
FED. R. CIV. P. 12(b)(6) MOTION TO DISMISS**

Defendants, A Safe Haven, LLC and A Safe Haven Foundation, pursuant to Federal Rule of Civil Procedure 12(b)(6), move this Court for the entry of an order dismissing with prejudice all claims alleged against them in Plaintiff’s Complaint. In support of its motion, Defendants state as follows:

1. Plaintiff, Jose Atilano, asserts putative collective and class action claims against Defendants, alleging failure to pay overtime wages pursuant to the Fair Labor Standards Act (“FLSA”) (Count I), the Illinois Minimum Wage Law (“IMWL”) (Count II), the Illinois Wage Payment & Collection Act (“IWPCA”) (Count III), and the Chicago Minimum Wage Ordinance (“Chicago Ordinance”) (Count IV).

2. Plaintiff’s individual claims against Defendants should be dismissed in their entirety because they are supported by nothing more than conclusory allegations of the legal standard, which do not satisfy federal pleading standards.

3. Similarly, Plaintiff's putative collective and class claims should be dismissed because Plaintiff has not pleaded an actionable claim for himself.

4. Alternatively, Plaintiff's claims should be dismissed because Plaintiff fails to adequately plead FLSA coverage.

5. The facts and the law upon which this motion is based are set forth in more detail in Defendants' supporting memorandum, which Defendants have filed herewith.

WHEREFORE, Defendants, A Safe Haven, LLC and A Safe Haven Foundation, respectfully request an Order dismissing with prejudice all claims alleged against them in Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6), and such further relief as the Court deems just and proper.

Dated: May 15, 2017

Respectfully submitted,

/s/ Nicole S. Kossove
One of the Attorneys for Defendants.

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CERTIFICATE OF SERVICE

I, Nicole S. Kossove, an attorney, certify that I caused a true and correct copy of foregoing *DEFENDANTS A SAFE HAVEN LLC AND A SAFE HAVEN FOUNDATION'S FED. R. CIV. P. 12(b)(6) MOTION TO DISMISS* to be served upon the following individuals via the Court's electronic filing system, on this 15th day of May, 2017:

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/s/ Nicole S. Kossove
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